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Conference on Disarmament

10 March 2014

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Note verbale dated 2 March 2014 from the Permanent Mission of Ukraine addressed to the Acting Secretary-General of the Conference on Disarmament transmitting a non-paper on violations of Ukraine's laws in force and of Ukrainian-Russian agreements by military units of the Black Sea fleet of the Russian Federation on the territory of Ukraine

The delegation of Ukraine to the Conference on Disarmament presents its compliments to the Acting Secretary-General of the Conference, Mr. Michael Møller and has the honour to transmit herewith the Non-paper on violations of Ukraine's laws in force and of Ukrainian-Russian agreements by military units of the Black Sea Fleet of the Russian Federation on the territory of Ukraine.

The delegation of Ukraine would appreciate it if the Non-paper could be immediately issued as an official document of the Conference on Disarmament and circulated to all member States and observer States of the Conference.

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Non-paper on violations of Ukraine's laws in force and of Ukrainian-Russian agreements by military units of the Black Sea Fleet of the Russian Federation on the territory of Ukraine

1. Despite repeated official calls by Ukraine to the Russian Federation to stop redeployment of military equipment, vehicles and aircrafts of the Black Sea Fleet of the Russian Federation on the territory of the Autonomous Republic of Crimea and Sevastopol as well as penetration of military forces from the Russia's territory to Ukraine with mass use of military transport aircrafts, the Black Sea Fleet Command actively relocates military equipment towards the cities of Simferopol, Saki and within the city of Sevastopol.

2. As a result of such unilateral arbitrary actions of Russia many bilateral agreements between Ukraine and the Russian Federation were violated, in particular: the Treaty on Friendship, Cooperation and Partnership between Ukraine and the Russian Federation of May 31, 1997, the Agreement between Ukraine and the Russian Federation on the Status and Terms of the Deployment of the Black Sea Fleet on the Territory of Ukraine of May 28, 1997, the Agreement Between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation on Granting Permission to the Forces and Resources of the Black Sea Fleet of the Russian Federation to Operate Within National Airspace of Ukraine and Black Sea Airspace, Where the Responsibility for Safety and Coordination of Air Traffic is Entrusted on Ukraine, of July 16, 1999.

3. Such violations refer to Article 3 of the Treaty on Friendship, Cooperation and Partnership between Ukraine and the Russian Federation, which says: "*The High Contracting Parties build relationships with each other under the principles of mutual respect for sovereign equality, territorial integrity, inviolability of borders, peaceful settlement of disputes, non-use or threat of force, including economic and other means of pressure, the right of peoples to freely dispose of their fate, non-interference in internal affairs...*".

4. Pursuant to Article 6 of the Treaty "*Each of the High Contracting Parties shall refrain from participation in or maintenance of any kind of action directed against the other High Contracting Party, and agrees not to enter into agreement with third countries directed against the other Party*".

5. Pursuant to paragraph 1 of Article 6 of the Agreement between Ukraine and the Russian Federation on the Status and Terms of the Deployment of the Black Sea Fleet on the Territory of Ukraine "*Military units shall operate in areas of deployment in accordance with the laws of the Russian Federation, respect the sovereignty of Ukraine, observe its laws and shall not intervene in the internal affairs of Ukraine.*" Pursuant to paragraph 2 of Article 8 of this Agreement "*Military units shall conduct military manoeuvres and other types of combat and operations training within the boundaries of training centers, training grounds, positioning and deployment areas, shooting ranges and in designated airspace areas agreed with the competent authorities of Ukraine, except for the excluded airspace zones*".

6. Paragraph 1 of Article 12 of the Agreement stipulates: "*The service vehicles of Russia's Black Sea Fleet shall have registration numbers and clear license plates. Use of Ukrainian license plates for service vehicles is not allowed.*"

7. The actions of the Russian side also violate Article 30 of the UN Convention on Law of the Sea and paragraphs 14 and 15 of Regulations on the voyage and stay in the territorial sea, internal waters, at anchorage and at ports of Ukraine of foreign warships,

approved by the Resolution of the Cabinet of Ministers of Ukraine № 529 on May 16, 1996.

8. In violation of the above-mentioned provisions the Russian Federation has taken the following measures:

- on February 28 Sevastopol detachment of Maritime Border Guard of the State Border Guard Service of Ukraine was blocked by a group of up to 30 servicemen of the Armed Forces of the Russian Federation who stated the goal of their arrival as "implementation of the resolution by the Security Council of the Autonomous Republic of Crimea on prevention of seizure of weapons and ammunitions". At the same time, snipers were observed at high ground adjacent to the Maritime Border Guard base,
- missile boat "Ivanovets" of the Black Sea Fleet of the Russian Federation blocked Balaklava Bay at the distance of 5 cables offshore,
- on March 1, 2014 around 20 cars of the Armed Forces of the Russian Federation, such as "Ural" and "Tiger", infiltrated the "Kirovske" airfield,
- 100 servicemen of the Armed Forces of the Russian Federation infiltrated the territory of a separate company of the radar reconnaissance "Yevpatoriya",
- servicemen of the Armed Forces of the Russian Federation blocked "Belbek" airfield and proposed to the personnel of the Air Forces of Ukraine to side with the Armed Forces of the Russian Federation or to leave the territory unarmed.

9. The Russian side also violated paragraph 5 of Article 15 of this Agreement that reads: "*The movement related to the activities of military forces outside of their place of deployment shall be made after consultation with the competent authorities of Ukraine*". Thus, in particular:

- on February 21-22 active movements of a large number of military equipment (more than 30 armored personnel carriers) of the Black Sea Fleet's military units were observed on the territory of Crimea and Sevastopol. These movements were not approved by Ukraine's competent authorities. 16 units of APC (BTR-80) of the 810-th detached brigade of the Black Sea Fleet's marines (Sevastopol) departed towards settlements of Kacha and Hvardiyske as well as within Sevastopol,
- on February 27-28 Command of the Black Sea Fleet of the Russian Federation performed active movement of military equipment towards Simferopol, Saki and within Sevastopol,
- on February 27 a large landing ship "Azov" moored at the dock 141 of the bay "Pivdenna" in Sevastopol, passed border control procedures, made the passage to the bay "Cossack" (locations of 810-th Marines Brigade of the Black Sea Fleet of the Russian Federation), where about 300 armed servicemen were unloaded from the ship,
- about 150 people in four "KAMAZ" trucks without plates drove towards Novofedorivka from the territory of the 7th training squad of Russia's Black Sea Fleet,
- a convoy of 14 "Ural" trucks without plates and 2 APCs (BTR-80), which transported 400 soldiers, left the territory of the 7-th training detachment of the Black Sea Fleet towards the Sevastopol's town gates. Near the road junction "Sevastopol – Sapun-Gora – Inkerman" the pack split: 6 "Ural" trucks continued to move in the direction of Inkerman, 2 other cars and APCs – turned towards Sapun-Gora district,

- on March 1, 2014 large landing ships of the Baltic Fleet of the Russian Federation "Kaliningrad" and "Minsk" as well as a large landing ship of the Northern Fleet of the Russian Federation "Horniak" violated the state border of Ukraine having entered the port of Sevastopol without approval by the competent authorities of the Ukrainian side.

10. Pursuant to Article 2 of the Agreement Between the Government of the Russian Federation and the Cabinet of Ministers of Ukraine on Granting Permission to the Forces and Resources of the Black Sea Fleet of the Russian Federation to Operate Within National Airspace of Ukraine and Black Sea Airspace "*Training and inspection of the Black Sea Fleet's regular air defence forces, related to use of airspace under the competence of Ukraine are carried out without closing airports in Ukraine in coordination with the General Staff of the Armed Forces of Ukraine, according to the regime and conditions established by the Ukrainian Center for Planning of Usage of Airspace of Ukraine and Regulation of Air Traffic by Ukraerocenter*".

11. In violation of the mentioned Agreement on February 28, 2014 at the airfield "Hvardiyske" landed and unloaded four units of Il-76MD of the Armed Forces of the Russian Federation (NN 76722, 76731, 76776, 76777), which flew from the airfields of Pskov and Taganrog (Russia).

12. Moreover, ten units of Il-76MD and ten helicopters landed near Kacha airfield of the Armed Forces of the Russian Federation and the airport "Hvardiyske", which illegally crossed the state border of Ukraine and avoided border control.